## **Department of Community Planning and Economic Development – Planning Division**

Interim Use Permit BZZ-5717

**Date:** August 23, 2012

**Applicant:** Hennepin County Property Services

Addresses of Property: 2201 Plymouth Avenue North and 1245 Penn Avenue North and 2215

Plymouth Avenue North

**Project Name:** Penn and Plymouth North Point Parking Lots

Contact Person and Phone: Judy Hollander, (612) 348-3897

Planning Staff and Phone: Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** August 13, 2012

End of 60-Day Decision Period: October 12, 2012

Ward: 5 Neighborhood Organization: Northside Residents Redevelopment Council

**Existing Zoning:** OR2 High Density Office Residence District

**Zoning Plate Number**: 12

**Legal Description:** Not applicable for this application

**Proposed Use:** A 92-space parking facility primarily intended for NorthPoint Health & Wellness Center

**Applicable zoning code provisions:** Chapter 525, Article VIII, Interim Uses.

**Background:** The subject properties include three vacant parcels owned by the City of Minneapolis located at 2201 Plymouth Avenue North and 1245 Penn Avenue North and 2215 Plymouth Avenue North. These three parcels have a total lot area of approximately 35,339 square feet and are zoned OR2 High Density Office Residence District. These parcels were all acquired by the former Minneapolis Community Development Agency via eminent domain at different times between 1979 and the mid-1990s.

Following interest expressed by private and public groups, the City of Minneapolis issued a Request For Proposal (RFP) for redevelopment of these parcels and an additional parcel to the east at 1256 Penn Avenue North in November 2011. Redevelopment goals listed in the RFP included:

- Reactivate vacant parcels with viable commercial or mixed-use development
- Contribute to commercial activity at the Penn-Plymouth Commercial Node
- Two to four story development preferred, but not required.

- Accommodate transit
- Interim uses will be considered if they complement and support critical public needs of adjacent institutions and commercial uses.

The City Council approved the five year ground lease for the subject properties to Hennepin County for an interim parking lot on July 20, 2012. The interim parking facilities will be used primarily for operations related to NorthPoint Health & Wellness Center, a clinic, located at 1313 Penn Avenue North. NorthPoint has been short of parking for many years and during peak times their existing lots are full and client parking shifts onto the neighboring residential streets. Hennepin County is amenable to allowing neighboring properties, including UROC, Urban League, the Estes Funeral Home and the Praxis grocery store (1256 Penn Avenue North), to utilize the parking lots for community use during non-peak hours.

A total of ninety-two space parking spaces would be provided between the two parking lots. The parking lots will be paved, landscaped and include storm sewer improvements including rain gardens. Hennepin County, the applicant, recognizes this is not the highest and best use of the property and has agreed to vacate the site if a qualified development is approved for the site. Hennepin County would be given a 90-day notice from the City of Minneapolis to vacate the lots and remove their improvements after formal Council approval of a new development and execution of a redevelopment agreement.

Hennepin County and NorthPoint plan long term to expand the existing medical facilities on their campus and construct over their existing surface parking area. At that time, Hennepin County will secure financing to construct structured parking to meet their parking need.

Interim uses are granted by the City Council and are required to conform to the zoning ordinance as if it were established as a conditional use. The City Council may waive conditions that would apply to an interim use upon a finding that the temporary nature of the interim use will eliminate the adverse effects that the condition was intended to prevent. Interim uses may be granted for a period of up to five years, provided the use is allowed as a conditional use in the district in question. Parking facilities are a conditional use in the OR2 District. The applicant has requested approval to use this property as an interim parking facility for five (5) years.

Staff has received a letter from the Northside Residents Redevelopment Council supporting the lease and interim use (5 years) of the properties for parking; a copy of the letter is attached to the report.

#### Findings as required by the Minneapolis Zoning Code:

For an interim use permit to be granted, the Zoning and Planning Committee must make the same findings that pertain to conditional use permits. In addition to these, any City Council approval of an interim use is subject to five additional conditions. Discussion of each of these findings and conditions follows.

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The new parking lots located at the intersection of two community corridors within a neighborhood commercial node should not be detrimental to or endanger the public health, safety, comfort or general welfare. The subject property is intended to handle overflow parking for staff and clients of NorthPoint Health & Wellness Center located at 1313 Penn Avenue North. The applicants are proposing to surface the parking areas with asphalt, add perimeter landscaping with 4 canopy, 12 ornamental trees and 50 shrubs and a rain garden intended for stormwater management.

# 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

Staff does not anticipate that the parking facilities will be injurious to the use and enjoyment of the residential properties to the south. There is an existing solid wood fence adjacent to each of the residential uses to the south. The applicant is proposing to install matching fencing to complete the buffer along the shared property line. In addition, the applicant is proposing 7 feet of landscaping between the parking areas and the property lines. In addition, the applicant is proposing to add lighting to each of the proposed parking lots that complies with the minimum requirements of the zoning code.

There are several zoning code exceptions being requested based on the proposal. An exception is necessary for the front yard setback along Penn Avenue North due to the adjacent residential use from approximately 28 feet to 10.5 feet and along Queen Avenue South due to the adjacent residential use from approximately 31 feet to 7 feet per Section 547.160 of the zoning code. In addition, the east parking lot is located 4 feet from the west property line, where a minimum interior side yard setback of 5 feet is required. The maximum height of a solid fence in the required front yard is 3 feet. The applicant is proposing to match the existing fencing, which are 6 feet in height on the east lot and 4 feet in height on the west lot. Staff does not believe that providing 6 foot high solid fencing in the front yard is practical for security purposes and is therefore not recommending approval of the proposed fencing. Further, the perimeter screening standards are also not being met along Penn Avenue North, Plymouth Avenue North or Queen Avenue North.

# 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

There is an existing curb cut along Plymouth Avenue North that will be used to access the east parking lot. The applicants are proposing a new curb cut along Queen Avenue South to access the west parking lot. Adequate utilities, access roads, drainage, necessary facilities or other measures will be provided.

# 4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The interim parking facilities will be used primarily for operations related to NorthPoint Health & Wellness Center, a clinic, located at 1313 Penn Avenue North. NorthPoint has been short of

parking for many years and during peak times their existing lots are full and client parking shifts into the neighboring residential streets. Hennepin County has offered to allow use of the parking lots to nearby uses including UROC, Urban League, the Estes Funeral Home and the Praxis grocery store (1256 Penn Avenue North) for community use during non-peak hours, including evenings and weekends. There is an existing curb cut along Plymouth Avenue North that will be used to access the east parking lot. The applicants are proposing a new curb cut along Queen Avenue South to access the west parking lot. The proposed parking lots will not be accessed via the existing public alley.

#### 5. Is consistent with the applicable policies of the comprehensive plan.

One purpose of an interim use permit is to temporarily allow uses that may not be consistent with adopted long-term plans and objectives for the area in question. The proposed parking facility would not be consistent with several policies noted in *The Minneapolis Plan for Sustainable Growth*, particularly related to designated community corridors and neighborhood commercial nodes, would not support new surface lots, but would encourage shared parking; these policies are listed below.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- 1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.
- 1.9.4 Discourage the conversion of existing residential uses to commercial uses outside of Neighborhood Commercial Nodes.
- 1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.
- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.
- 1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.
- 1.11.5 Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.

- 1.11.6 Encourage the development of medium-density housing immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low-density residential areas.
- 1.11.7 Encourage the redevelopment of vacant commercial buildings and direct City services to these areas.
- 6. The interim use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The OR2 District allows parking facilities as a conditional use permit. In addition to obtaining an interim use permit, surface parking lots are subject to Chapter 530 Site Plan Review standards as it relates to design and maintenance of the proposed parking lot as well as to yard requirements due to the site's proximity to a residentially zoned property. An exception is necessary for the front yard setback along Penn Avenue North due to the adjacent residential use from approximately 28 feet to 10.5 feet and along Queen Avenue South due to the adjacent residential use from approximately 31 feet to 7 feet per Section 547.160 of the Zoning Code. In addition, the east parking lot is located 4 feet from the west property line, where a minimum interior side yard setback of 5 feet is required. The maximum height of a solid fence in the required front yard is 3 feet. The applicant is proposing to match the existing fencing, which are 6 feet in height on the east lot and 4 feet in height on the west lot. Staff does not believe that providing 6 foot high solid fencing in the front yard is practical for security purposes and is therefore not recommending approval of the proposed fencing. Further, the perimeter screening standards are also not being met along Penn Avenue North, Plymouth Avenue North or Queen Avenue North. Any additional modifications would not seem practical to include based on the expected duration of the parking lot.

#### **Interim Use Conditions**

1. The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.

Parking facilities are allowed as a conditional use in the OR2 District.

2. Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.

There are several Zoning Code exceptions being requested based on the proposal. An exception is necessary for the front yard setback along Penn Avenue North due to the adjacent residential use from approximately 28 feet to 10.5 feet and along Queen Avenue South due to the adjacent residential use from approximately 31 feet to 7 feet per Section 547.160 of the Zoning Code. In addition, the east parking lot is located 4 feet from the west property line, where a minimum interior side yard setback of 5 feet is required. The maximum height of a solid fence in the required front yard is 3 feet. The applicant is proposing to match the existing fencing, which are 6 feet in height on the east lot and 4 feet in height on the west lot. Staff does not believe that providing 6 foot high solid fencing in the front yard is practical for security purposes and is therefore not recommending approval of the proposed fencing. Further, the perimeter screening

standards are also not being met along Penn Avenue North, Plymouth Avenue North or Queen Avenue North.

3. The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.

The applicants have requested approval for the temporary use permit for a period of five (5) years.

4. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

The applicant is aware of this standard. The County recognizes this is not the highest and best use of the property, so they have agreed to vacate the site if a qualified development is approved for the site. The County would be given a 90-day notice from the City to vacate the lots and remove their improvements after formal Council approval of a new development and execution of a redevelopment agreement.

5. Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

The subject property is intended to handle overflow parking for staff and clients of NorthPoint Health & Wellness Center. The applicants are proposing to surface the parking areas with asphalt, add perimeter landscaping with 4 canopy, 12 ornamental trees and 50 shrubs and a rain garden intended for stormwater management.

#### **RECOMMENDATION:**

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Interim Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Council adopt the above findings and **approve** the application for an interim use permit to allow a parking facility at 2201 Plymouth Avenue North, 1245 Penn Avenue North and 2215 Plymouth Avenue North, subject to the following conditions:

- 1. The interim use shall expire no later than August 31, 2017.
- 2. No solid fences greater than three feet shall be constructed in the required front yards along Penn Avenue North and Queen Avenue North.
- 3. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development Planning Division.

4. All site improvements shall be completed by August 31, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

#### **Attachments:**

- 1) PDR report
- 2) Written descriptions and findings submitted by the applicant
- 3) Copies of e-mails sent to Northside Residents Redevelopment Council and Council Member Samuels
- 4) Copy of a letter sent from Northside Residents Redevelopment Council
- 5) Zoning map
- 6) Existing land use map
- 7) Future land use map
- 8) Site plans
- 9) Grading plans
- 10) Erosion control plan
- 11) Landscape plan
- 12) Lighting plan
- 13) Photos